

THE
C A S E
OF

Mr. *Bartholomew Greenwood*

SUBMITTED TO THE

P U B L I C K

By *HIMSELF.*

IN WHICH

The many Inconsistences of Mr. *Wheatley*
are plainly Demonstrated.



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THE
P R E F A C E.

I T may be expected I should make some Apology for troubling the Public with the following Sheets, as they relate only to the Case of a private Person; but I cannot help thinking that every unjust Attack upon a private Person becomes in some measure a public Concern; for if Innocence is no Shield against Malice and Oppression, every Man is liable to the Effects of them.

As some Persons had taken the Advantage of my Misfortune, by publishing several Pamphlets under the Title of my Trial, which contained many material Omissions, mistaken Facts, and gross Misrepresentations, I thought it incumbent upon me to draw up a true State of my Case as well to disabuse the Public, as to do myself Justice; and surely I may be allowed the Satisfaction of vindicating my Character, after having undergone such a cruel and dangerous Assault upon my Life.

This Case had been submitted to the Public long since, according to the Advertisement, had


it not been for the various unforeseen Difficulties, which have unavoidably retarded the Publication of it. And as I was determined to state it as accurately as possible with respect to Truth and Impartiality, several Facts were found necessary to be introduced which depended on seeing Persons then absent from Town, and various Enquiries were to be made in order to obtain some Truths at that Time unknown to me; besides, as I was then applying to obtain a legal Remedy against my Prosecutor (Persecutor I should say) it was judged necessary to postpone publishing it, as it might injure me in the Success of that Application.

These are the Reasons that have delayed my bringing on my Trial at the Bar of the Public: I now put myself once more upon my Country, and only beg the Indulgence of a patient Hearing, and will trust to their Equity for an Acquittal.





THE
C A S E
OF
Mr. GREENWOOD.



O Man can be thought too anxious for the Preservation of his Character, as all Ages have esteemed a Good Name preferable to every other Advantage, even Life itself, which can afford no real Satisfaction to the Man, who having lost his Reputation, sees himself abandoned by his former Friends, cut off from the most valuable Part of the Society, and must either live sequestred from the World, or herd with the most abject of Mankind.

THESE Considerations will, I hope, be sufficient to excuse my appearing in Print, however foreign it is to my Profession. It was far from my Design to make any Appeal to the Public; I acquiesced in the Judgment of my Country;

esteemed their having pronounced me innocent of the Crime, with which I was charged, a sufficient Reparation, and hoped it would restore me to the good Opinion of the World.

BUT such is the virulent Nature of Calumny, that even my being acquitted is made a Handle for the most uncharitable Reflections: It has even been suggested, that it was inconsistent with the Laws of my Country; as if the Laws of any Country ought to be inconsistent with Reason and Humanity: Groundless Facts have been advanced, the Evidence of some, who appeared at the Trial, has been perverted, Witnesses supposed, and such Consequences drawn, as cannot but surprize every thinking Man, when he reads the printed Sessions-Paper; but the same Reasons which compel me, for my own, and the Justification of my Friends, to lay my Case before, and appeal to, the Public, may have encouraged the Propagation of the Calumny, by which my Enemies may hope to murder my Reputation, having failed in the Attempt made upon my Life.

THE Sessions-Paper may not be in every one's Hands whom the false and defamatory Reports, industriously spread abroad, may have reached. Few Readers, amongst those who have perused it, are so far interested in the Distress of the Unfortunate, as to take the Trouble thoroughly to examine the Evidence on either Side, to weigh the Inconsistencies, nay, flat Contradiction on the one, against the Invariableness on the other: Many cursorily look over such public Papers with Inattention, and take them in hand, because they know not otherwise how to employ their
Time;

Time; some have not Patience to read them through, or some affecting Circumstances may escape the Vigilance of the Person who takes down the Trial, or the Negligence of the Printer may have omitted them.

I HAVE not the least Design of revenging the Injuries and Hardships I have suffered, I wish I could say thro' Mistake, by a Recrimination. I shall neither advance nor insinuate aught prejudicial to the Character of my Prosecutor, foreign to the Defence of my own; my Business is not to calumniate, but to clear myself from Calumny, which that I may do in the clearest Manner I am capable of, I shall lay down a plain State of my Case, mention some few Particulars which cannot be generally known, make some natural Observations, and leave the whole to the Judgment of the Public, desiring only they will grant me as much Patience in their Reading, as I am certain they will shew Impartiality in their giving Sentence.

ON *Saturday*, the 7th of *June* last, I was taken by an Officer, who had Col. *De Veil's* Warrant to apprehend me, carried before that Gentleman, and charged by Mr. *Wheatly* with having wounded and robbed him on the Highway the *Thursday* before, he would not then swear to my Face, but to my Voice and Person, and added, that he believed the Man who had robbed him must have a black Arm, for he had given him several Blows upon it. My Arm was bare, but it was clear from any the least Mark. As I having then but two Witnesses to appear for me, and Mr. *Wheatly* consenting that such as I could produce to convince him should be examined,

mined, the Justice deferred my Examination to *Tuesday* the 10th of the same Month, to which Mr. *Wheatly* agreed, and the Justice committed me to the Gatehouse.

ON the above Day I was again brought before the Col. and hoped the Credit and Evidence of my Friends would have convinced Mr. *Wheatly* of his Mistake by the apparent Impossibility that I could not be the Person who robbed him ; but he then retracted his Word, and would by no means consent to my Witnesses being examined, (notwithstanding the Justice joined with me in that Request, when he told Mr. *Wheatly* that he could not examine them without he agreed to it) without offering any Reason for this obstinate Refusal, of what in itself was so very reasonable, he insisted on my being secured, desiring the Justice to do his Duty, and he would do his, in Consequence of which I was committed to Newgate.

BEING flattered that the Court of King's Bench might admit me to Bail, I was brought before that Court by a *Habeas Corpus* on the tenth of *June*, when Mr. *Wheatly* was as positive in his Charge as he had been before the Justice. My Lord Chief Justice ordered him to go nearer to and look at the Prisoner ; he answered that he knew me very well : And being asked how he came to know me, and how long he had known me, he replied, that coming to the *Tennis-Court* with Justice *Greenwood*, he pointed me out, and told him that I was his Nephew, and this was six or seven Months since. The Court not thinking it proper to admit me to Bail, I was remanded to Newgate.

ON *Wednesday* the 13th of *July* the Affizes began,

began, and were held at *Kingston upon Thames* for the County of *Surry*; and the same Day I was carried thither, as the Fact was lain in that County. On *Saturday* the 2d of *August* I was arraigned for assaulting, beating, wounding, and robbing *Roger Wheatly* of *Camberwell*, of a Guinea and a Half, some Keys, and a Silver Seal. His Junior Counsel having opened the Indictment, a Gentleman of some Note at the Bar spoke to it, and Mr. *Wheatly* was called to give in his Evidence, the Summ of which was,

“ THAT on the 5th of *June* he was at the
 “ *Tennis-Court* about three o’Clock, where he
 “ saw me talking with Mr. *Warren*; that I
 “ came and asked him when he should see Lord
 “ *J—— S——*? That he made answer,
 “ he believed the next Day; on which I desired
 “ he would tell that Nobleman, if he did not
 “ play the Match out, he must pay, and Mr.
 “ *Warren* subjoined, he should either play or
 “ pay; that he, Mr. *Wheatly*, told me, he was
 “ going to *Wooburn Abby* in *Bedfordshire* with
 “ Lord *G——*, Brother to Lord *J——*
 “ *S——*, and would speak to him.” Mr.
Wheatly being here asked by Counsel if the Game
 should turn again Lord *J——*, how much
 was the Sum?

“ HE answered twenty Guineas for a Horse,
 “ and fifty Guineas were the Betts, and farther
 “ that he told me, that if he had an Order from
 “ Lord *J——*, he would pay the Money.”

IN Answer to the Court, which asked if he
 offered to pay it then, *i. e.* at that Time, he
 made this Reply,

“ I said I would pay it instantly (my Lord)
 “ provided

“ provided I had had — an Order from Lord
 “ *J——*.” He then proceeded in his Evi-
 dence, and relates his going into the City, with
 several Circumstances ; his dining at the *Fleece*
 in *Cornhill*, going to a Coffee-House afterwards ;
 from thence, to the House of one Mr. *Adams* to
 borrow his Horse ; his going cross the Bridge
 to *Vaux Hall*, on being told that Mr. *Adams* was
 gone thither, and his afterwards crossing the
 Fields towards *Camberwell*. — “ It was,
 “ says he, almost nine o’Clock when I left
 “ *Vaux Hall*, and between nine and ten when I
 “ got into the Fields, and in the third Field, I
 “ met a Man in a brown Coat coming towards
 “ *London* ; I went on forwads towards the
 “ Windmill, where there was a Bar to get over,
 “ (the Bar-way we call it) and when I came
 “ there, I saw about the Middle of the Wheat-
 “ field a Man standing still in the Path, and an-
 “ other at some Distance from him ; and when
 “ I got over the Bar-war, about fifteen Yards, I
 “ thought I heard some Body coming behind
 “ me, and immediately I looked back and saw
 “ a Man jump over with a Stick in his right
 “ Hand and a Pistol in his left, and said he
 “ wanted to speak to me ; says I to rob me, I
 “ never was robbed in my Life ; and when I
 “ discovered the Pistol, I went back into the
 “ Wheat, and put myself into a Posture of
 “ Defence, and immediately he came up to me
 “ and demanded my Money ; I told him I
 “ had a Guinea and a Half, and that I would
 “ give him ; but not satisfied with hearing that,
 “ he struck at me with his Stick, and hit me a
 “ little above the left Temple ; upon which I
 “ raised

“ raised up my Hand to save my Head, and
 “ struck at him about three or four times and bid
 “ him fire. He then came round me and hit
 “ me six more Blows on my Arm and left Side
 “ of my Head, and with a back Stroke cut me
 “ under the right Eye, upon which I dropped my
 “ Cane, and ran up to his Pistol and took fast
 “ hold of it, and in struggling we both fell into
 “ a Gut or Drain of Water ; upon this, finding
 “ it in vain to resist, I surrendered myself, but
 “ said to him, Are not you a Rascal and a Vil-
 “ lain to abuse a Gentleman so, when he told you
 “ what Money he had, and had offered to give
 “ it you ? Says he, why did you strick then ;
 “ they cry strick the Ball for Shortness at Ten-
 “ nis ; upon this I immediately opened my
 “ Pocket, and said I have but a Guinea and a
 “ Half ; he then put his Hand into my Pocket
 “ and took it out. Says he, have you left your
 “ Money at *London* ? I made him no Answer ;
 “ but presently, instantly, he said, your Watch.
 “ Villain, says I, you know I wear none.”

He was then asked by Council, if any thing
 else passed ? Mr. *Wheatly* replied, “ He put
 “ his Hand into my Breeches Pocket, where I
 “ keep my Knife, and took an Iron Ring, three
 “ Keys, and a Silver Seal.”

Council farther asked him, Did not the other
 two Men come up all this while ?

Mr. *Wheatly* answered, “ No, Sir ; the other
 “ two Men were going on towards *London*, and
 “ proceeded thus : He then took me by my
 “ right Arm to go with him, and endeavoured
 “ to make me go some way ; but I told him I
 “ would not stir a Yard, and then he went
 “ away.”

“ away.” Being asked if the Robber went after and joined Company with the two Men, he answered, “ That the Robber went past the “ two Men, and they went together towards “ *London* ; it was about Half an Hour after “ Nine, a fine Evening, on the 5th of *June*, on “ a *Thursday*.”

BEING asked if it was clear enough to discern a Man's Face; when he was so near as to close in with the Robber? — Mr. *Wheatly* made the following Answer: “ Yes, Sir ; as soon as he “ came up to me, I knew him, altho' his Hat “ was flapped, and a little on one Side.” He then affirmed upon his Oath, that I was the Man that struck, and robbed him. In answer to several Interrogatories, he said he had been acquainted with me about nine Months or better, had seen me above fifty times, that he knew me by my Countenance, Voice, and Manner of Action ; that he went directly home, that it was, by the Time he got thither, near ten o'Clock, that he sent for Dr. *Thompson*, who came and dressed him ; that the next Day, being *Friday*, he went in Search of his Cane and Hat, and found them ; that afterwards he went to Justice *Frazier's*, who refused to grant him a Warrant ; that about twelve o'Clock he went to the *Tennis Court*, came to me and one *Warren*, and said, Sir, I am not gone my Journey, upon which I turned my Countenance ; that *Warren* said, shall we go? and I answered, No : That he told Lord J — C — the whole Affair, and that he did not know my Name or Business. To which Lord J — C — made this Answer ; we will see in the *Tennis-Book*, and advised him to let the Warrant

Warrant alone till the next Day, because he was to play with me the next Day, which was *Saturday*. That he got a Warrant from Justice *De Veil*; went on *Saturday* again to the *Tennis-Court* with one *North* an Officer, and asked to speak with me; that I came out, and he carried me before Justice *De Veil*.

IN answer to other Interrogatories, Mr. *Wheatley* said that he had, the Day before I was taken, acknowledged he did not know my Name; said I was a Soldier, but affirmed he knew not my Profession. That one of the other two supposed Accomplices was about sixteen Yards off him, the other about sixty or seventy; that the lower Part of my Face had a yellowish Cast, and if he was not positive to me, he would not say it for his right Hand.

THE Councel asked, Whether I had the same Coat on as at the *Tennis-Court*? And he answered,

“ IN the *Tennis-Court* at three o’Clock, he had a Fustian Frock and a white Waistcoat, but when in the Field a brown Coat, he said again, that the other two Men were also in Brown.”

EVIDENCE for Mr. WHEATLEY.

MR. *Baker* being called to corroborate Mr. *Wheatley*’s Evidence deposed, that Mr. *Wheatley* came home the 5th of *June*, on *Thursday* Night between nine and ten o’Clock, said he had been robbed, and lost a Guinea and a half, and some other Things, he had been very ill used, but knew the Man that did it, that he was a Soldier, that he knew him very well; that it was light

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enough

enough for one Man to distinguish another ; that the Robber asked him for his Watch, to which he answered, he never carried a Watch, and then asked him, if he had left his Money at *London*.

MR. *Thompson*, who dressed the Prosecutor, deposed that he was sent for by him, that he dressed him, that it was not above three Quarters past nine when he was with him, tho' twice sent for, that Mr. *Wheatly* told him he had been robbed, and *believed* he knew the Man, that he was half an Hour going and coming, and staid but six Minutes with Mr. *Wheatley*.

HERE is one only positive Evidence. To invalidate which I had no possible Means to prove that I was not the Person guilty of the Crime laid to my Charge, but my accounting for my Time from my being at the *Tennis-Court*, to that in which the Robbery is averred to have been committed, that very instant in which, and for some Time after, it was committed ; and thus by credible Witnesses shew the Impossibility of my having been the Person ; farther to shew that Mr. *Wheatly* was not always in the same Story ; that he varied greatly, that there was a wide Difference between what he said before Justice *Frazier*, and the Evidence he gave in Court ; that he varied the second Time, I was before Justice *De Veil* from what he had said the first ; that he gave in a Circumstance which was evidently false, though in the Court he had the Modesty to tell Justice *De Veil* he believed he was mistaken in that Point. That he often contradicted himself in the different Ways of giving an Account of this Robbery to different Persons, and that the Description he gave of my Dress in the *Tennis-Court*

Court agreed with the Cloaths, which, by Persons of unblemished Character, it was proved I had on before, at, and after the Time in which the Robbery was said to be committed.

EVIDENCE for ME.

MR. Justice *Frazier* deposed that Mr. *Wheatly* came to him the Day after he was robbed, about nine or ten in the Morning; said he had been very ill used, knocked down, and robbed. I asked him, said the Justice, whether he knew the Person's Name? God bless me, says he, I was told just now, but I have forgot it. To proceed in the Justice's own Words: "He
 " (*Wheatly*) said that a Person and two more
 " beset him in *Surry*; says I, My Warrant will
 " not go there: I then asked whether he knew
 " the Man by Person, and he said he was not
 " sure to know him unless he heard him speak,
 " for that he did not know him by Person, but
 " by his Voice: Why then, says I, if you know
 " him only by Voice, I would have you take
 " Care how you swear to him." The Justice having given this Evidence, appealed to Mr. *Wheatly* before the Court for the Truth of it, and he, by making no Answer assented to it.

MR. *John Baker*, a Sadler at *Charing-Cross*, deposed that Mr. *Wheatly* called upon him the Morning after he was robbed; told him the Robber had on a brown Coat; that he had fought him a long while; that he believed it to be one of the Fellows at *Camberwell*; that he met the Man who robbed him in *St. George's Fields* that Morning. And on Mr. *Baker's* asking *Wheatly* why he did not apprehend him, *Wheat-*
 ly

ley answered, he had given two Watermen a Shilling each to dogg him; that he did not know his Name, but should know him again if he saw him.

MR. *George Baker* swore that I dined with him on the 5th of *June*, at a little after three, staid with him till past six, that he parted with me in *Bridges-Street, Covent Garden*, about seven o'Clock, that I told him I was to call on a Gentleman in the *Strand*, that I was dressed in a white Fustian Frock, as he believed new, Breeches of the same Stuff, a white Waistcoat, and as he apprehended I came from the *Tennis-Court*. He was positive as to the Day, because he that Day wrote a Letter.

Cecilia Moy swore, that on the 5th of *June* about a Quarter past seven she saw me; that I enquired for her Master; that she told me he was gone to the *Genoa-Arms Tavern* for the Evening; that her Master's House is in the *Savoy*, that I was in a white Fustian Frock, which she took Notice of and handled, and that I had on white thread Stockings. She gave for Reason of her being positive to the Day, my being taken up on the *Saturday* following.

MR. *Chalmer* deposed, that I called at his House between seven and eight that very Evening, on which the Prosecutor laid his Charge, that he had written a Letter to me to meet him at *Seagoe's Coffee-house in Holborn*, to tax an Attorney's Bill, and I having lost or mislaid the Letter, called at his House to know the Place and Time when I was to meet him; a Circumstance he mentioned for his being positive to the Time of my calling on him, he farther said that I told him

him I had been at my Uncle's, (who is the Master of *Cecilia Moy*) and mentioned the Maid's having mended my white Stockings; that I staid with him about twenty Minutes, went away about eight o'Clock; that he remembered very well I was dressed in a white Fustian Frock; that his House is in the *Savoy*, next Door to my Uncle's; that he had been intimate with me for several Years, and had Reason to believe me an extraordinary honest Man.

MR. *Greenwood*, my Uncle, swore, that on *Thursday* the 5th of *June* he went from home about seven o'Clock in the Evening, and went up to the *Genoa-Arms* in *Bridges-Street*; that a little before eight I came in and sat with him, he guessed it to be about that Time, that Mr. *Dodemead*, Mr. *Turner*, Mr. *Austin*, Mr. *Syrab Croce*, and Mr. *Croce* were in the Company; that he and I drank two half Pints of Wine, till it was about a quarter past nine o'Clock; that after staying some time at the Door talking, he and I went and walked to and fro in the Yard and at the Street-door till past ten o'Clock; that I had on a white Fustian Frock; that he believed I went home, for I parted with him at the Door, and went towards *Covent-Garden*, as if I was going home; that I used to go to the *Genoa-Arms*, and also to his House, about once a Week.

Walter Dodemead, Esq; swore that he went to the *Genoa-Arms* between six and seven on *Thursday* Evening, and remembered the Day by his having written several Letters that very Day; that about seven o'Clock my Uncle came in, that he was eating a Lobster, and seeing my Uncle, asked him to eat with him; (which he mentioned

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mentioned as a Circumstance) that I came in a little before eight, and sat between him and my Uncle ; he knew the Time, he said, because, after my Uncle came in, Mr. *Turner* and Mr. *Croce* came in, and I presently after, and sat at his right Hand, this was a little before eight ; that my Uncle and I drank two half Pints of Wine together ; that while they were drinking, Mr. *Croce* pulled out some Patterns of Broad Cloth, and said I have been to your Woollen-Dra-per's, and have pitched upon the same Cloth that you have chosen ; on which Mr. *Dodemead* farther said, I pulled out some Patterns and compared them, and it happened to be the same, and I said to Mr. *Greenwood*, meaning me, you have a good light Summer Suit, pray what might it cost you ; that I bid him guess ; that he said about five or six and twenty Shillings ; that I answered No, but sixteen ; that after my Uncle and I had drunk two half Pints of Wine, I said to my Uncle, Sir, shall we have half a Pint more ? And the old Man made Answer, and said it was too late, upon which Mr. *Croce* took out his Watch, and said it was a Quarter after nine within a Minute ; that my Uncle and I went into the Yard together ; that he saw us talking in the Passage ; that some Minutes after he saw my Uncle and me at the Fore-door, where we talked together, and he then saw us no more. Being asked by Council if it had been a Fort-night or three Weeks after the Robbery, if he should have remembered it ? Mr. *Dodemead* answered, He might not have recollected it then, but it being but two or three Days, he remembered it very well : Being farther asked if he saw

us all the while? he made the following Reply,
 “ Yes, Sir, for I sat fronting the Window, and
 “ saw them in the Yard and at the Door, and
 “ this was half an Hour after nine upon my
 “ Oath; but I believe upon my Conscience it
 “ was more.”

Mr. *Turner* swore as follows, “ I went to
 “ the *Genoa-Arms* half an Hour after seven,
 “ and Mr. *Greenwood* came in not long after
 “ me, so that I believe it was near eight; and
 “ when I saw him go out of the Tavern it was
 “ a Quarter past nine.” Being asked what
 Business he was of? he answered, “ He was a
 “ Seeds-man; that he lived at the Corner of
 “ *Cecil-Street*, and that I had on light-coloured
 “ Cloaths.” Being asked if I talked of staying
 for half a Pint more? he made the following
 Answer; “ Yes, Sir, he (meaning me) men-
 “ tioned it to his Uncle of having half a Pint
 “ more; but the old Gentleman did not care for
 “ any more, and then they went talking toge-
 “ ther in the Yard and at the Door near half
 “ an Hour, and then went away.” He was
 farther asked this Question, viz. Did they stand
 in Sight when they were in the Yard and at the
 Door? he replied, “ Yes, Sir, I saw them all
 “ the while.”

Mr. *Austin* swore, that I came into the *Genoa-Arms* about eight o’Clock, that he was not at the same Table with me, but in the Room; that I staid till a Quarter past nine, and then went out.

Mr. *Syrah Croce* deposed, that he was at the *Genoa-Arms* on the fifth of *June* about seven o’Clock, and it was very near eight when I came
 in;

in; and he saw me when I went out, and it was a quarter after nine. Being asked if he knew any thing of a Watch being pulled out? he answered, " Yes, Sir ; Upon old Mr. *Greenwood's* saying it was late, I pulled out my Watch to see what it was o'Clock, and it was exactly fourteen Minutes after nine."

Mr. *Thomas Croce* swore he knew me very well; that he kept the *Genoa-Arms*; that I was in Company with him; that he staid in his House till about nine; that he left me in the House; and that I had on a white Fustian Frock. He was asked if he knew any thing of pulling out the Watch? and answered, No. — *From the Affidavits of others, who swore it was fourteen Minutes past when the Watch was pulled out, it is impossible for him to know any thing of it who went out about Nine.*

Hester Wharton swore that I came home about eleven o'Clock the 5th of *June* at Night; that she particularly knew it was about eleven, because there are two Clocks in the House, and, to use her own Words, our's struck eleven a Quarter before Mr. *North's*. Being asked to the Dress in which I came home? she answered, " In white Fustian Cloaths, the same I went out in."

MR. *North* was called, and acquainted the Court, that I lodged, and had lodged in his House two Years and an Half; that I was, the 5th of *June* last, within-doors about eleven o'Clock, and gave farther Reason of his remembering the Time, his having been out himself that Evening, and coming in just before me, he said he was sure it was about eleven. That his House

is

is about a Mile from the *Genoa-Arms*, and that he did not observe what Cloaths I had on.

COL. *De Veil* gave the following Evidence to the Court: ' Mr. *Wheatley* said much to the same Purport when examined before me as in Court, but then he said that if *Greenwood* was he that robbed him he was sure, by the Blows he had given him, he must be very black up his Arms, and there was not the least Mark or Appearance of any Blow at all.'

HERE Mr. *Wheatley* said, I believe, Sir, you are mistaken: To which the Col. reply'd, Do you dare tell me so?

MY Brother was examined as to my Fortune. To which he answered, That I had a Copy and Freehold Estate, upwards of 70*l.* a Year, that he was positive, because he had receiv'd the Rents ever since it came into my Possession, that is, ever since my Father's Death, who left it me by Will; That the Freehold lies in the Parish of *Radir* in the County of *Glamorgan*; and the Copyhold in the Parish of *St. Fagans* in the same County; that there is no Incumbrance or Annuities at all upon the Estate that he knew of, but that it is in the same Condition as when my Father died.

LORD *De la Ware* was sworn and pleased to inform the Court as follows: ' It is about three Years ago that I had the Honour to have the Command of the First Troop of Horse-guards given me; I found Mr. *Greenwood* in the Troop, and he had assisted Capt. *Bedford* in the Post of rough Rider. Capt. *Parsons*, who is dead, told me that Mr. *Greenwood* was a Person extremely capable of that Business, and

D

said

said that he made no doubt, but that he would
 make a very good Riding-Master. Soon
 after I sent for Mr. *Greenwood*, and told him,
 that if he would go to Major *Foubert's* and
 improve himself in Riding, I would, when
 there was a Vacancy, give him the Riding-
 Master's Place in the Troop. He went to
 Major *Foubert's*, and was there about a Twelve-
 Month; and the Major told me several times
 that he was very diligent and regular in his
 Business. Soon after Capt. *Bedford* had an
 higher Commission from his Majesty; I then
 made Mr. *Greenwood* Riding-Master, which
 is worth 200l. a Year: He has a constant and
 settled Salary that is a good 150l. He has now
 been Riding-Master a Year and a Quarter,
 and since he has been Riding-Master, I never
 heard of his being guilty of any Crime, nor ever
 had any Neglect charged to him, nor ever
 sent for him in the Morning or Afternoon,
 but he always came to me in as short a time as
 could possibly be expected.

ONE of the Council for the Prosecutor put
 the following Question to his Lordship; ———
 Pray, my Lord, did you never hear that he was
 a Gamester?

To which his Lordship was pleased to answer,
 You may, Mr. M—— call playing at
 Tennis being a Gamester, I have heard of his
 playing at Tennis, and that with the best Com-
 pany in *England*, Mr. M——, but there
 are some Officers in the Court who can also
 speak to his Character.

Major *Driver* being asked, said he knew me
 very well, that I always bore a general good
 Character.

CAPT.

CAPT. *Hawker*, That he had known me nine or ten Years, that I always behaved very well, and bore a good Character.

MR. *Williams* being called, and asked if he knew me? answered, I have known him these seven Years, but more particularly these three Years. And being asked what was my general Character? he answered, No-body's better.

CAPT. *Maccartey* said he had known me these two or three Years, and never heard any one speak disrespectfully of me; that my general Character is that of a very honest Man.

MR. *John* and Mr. *Thomas Ellis*, Mr. *Gillingham*, and others of my Acquaintance did me the Justice of a Character which I have endeavoured to merit, and which I hope my future Conduct will preserve to me, notwithstanding the Inveteracy, the open and clandestine Endeavours of my Enemies to blast me in the Opinion of the World, by spreading such Calumnies as a generous honest Man could not be guilty of.

MR. *Wheatley's* Council called to his Character Mr. *Booth* who married Mr. *Wheatley's* Sister, said he had known him twenty eight Years, and never heard that the Prosecutor ever did an ill thing; that he is a Man of TRUTH and VERACITY. (these are Mr. *Booth's* own Words) Being asked if he thought Mr. *Wheatley* would forswear himself? he answered, No.

MR. *Shepherd* said that he was a Man of Fortune, and he really believed would not forswear himself on any Consideration whatever.

MR. *Briton*, I have known Mr. *Wheatley* these eight Years, and I believe he would not forswear himself for any Consideration whatever.

MR. *Hester*. I have known Mr. *Wheatley* these twenty five Years; he is a Man that bears a very good Character, and is a Man of TRUTH and VERACITY, and I believe would not forswear himself.

MR. *Sbard*. I know Mr. *Wheatly*, and do not think he would be guilty of forswearing himself: He is a Man of Fortune.

MR. *Richardson*. I have known Mr. *Wheatley* these twenty Years, and look upon him to be as honest a Man as any living.

HAVING thus lain down a fair State of the Case, I mean that Part which relates to the Trial taken down in Short-hand, the Exactness of which is I believe indisputable, I shall now take Notice of some Particulars, which few can have the Opportunity of knowing.

MR. *Bilt*, the Night the Robbery was said to be committed by me, came to *Camberwell* from *Vaux-Hall* about a Quarter after nine, and observed in the Lane, leading to the three Fields next the Town, in one of which Mr. *Wheatley* says he was attacked, two Fellows, and a third on the other side the Hedge, whom he suspected to be Rogues, and apprehended being robbed by them. He took particular Notice of the Faces, Cloaths, and Stature of the two Fellows in the Lane, and believes he should know them both again; that one of them wore a brown Coat, and had a Hook-nose: In a Conversation with Mr. *Wheatley*; he, *Wheatley*, described to *Bilt* the Person who had robbed him, by a brown Coat and a Hook-nose; in another Coverstation on or about the 10th of *June*, *Wheatley* told Mr. *Bilt*, that I was a Rogue, and had once given a false Judgment

Judgment against him at a Game of Tennis, by which he, *Wheatly*, lost a great deal of Money.

See Appendix. Bilt's Affidavit.

Mr. *Wheatly* about five in the Morning, on Friday the 6th of June, the Day after the supposed Robbery, went to Mr. *Enoch Radford* who lives at *Camberwell*, desired him to load his Gun, for he had been robb'd the Night before, and go with him in search of his Cane and Hat, which he had lost in the Scuffle, which Mr. *Radford* did, and in the third Field from *Camberwell* on the very spot upon which the Robbery was said to be committed, the Hat and Cane lay. Farther, Mr. *Wheatly* told Mr. *Radford* the Robbery was committed by one Man, that a second stood at the Bar-style about thirty Yards distant, and a third sat under a Tree in the Lane, about one hundred Yards farther distant ; that he knew two of these, one was a Tennis-player, the other a Tenant of his own, whom he had lately arrested for Debt : That the Man who robb'd him was six foot high and upwards, had a large Hook-nose, wore a brown Coat, and had yellow'd his Face, but he knew not his Name ; that he bid the Robber fire, for he had a Stick in one and a Pistol in the other Hand, that he snapp'd the Pistol at *Wheatly*, but missing Fire, Mr. *Wheatly* struck at him with his Cane ; several Blows were exchanged, and *Wheatly* wrenching the Pistol out of the Rogue's hands, threw it into the Wheat Field, which Mr. *Radford* diligently search'd for to no purpose ; *Wheatly* told him other Particulars of the pretended Robbery, and in a second Conversation with him some Days after this, *Wheatly* told *Radford* that he knew the Man who robb'd

robb'd him, as well as he knew him, *Radford*, that he was a Villian and a biting tricking Fellow, and that he had often cheated Lord *J—S—* at Tennis, but should never play any more with him.

See *Appendix. Radford's Affidavit.*

I shall now make some Observations on what I have lain before the Reader, and hope to convince him, who is not too much prejudiced to assent to Truth and Reason, that I am entirely innocent of the heinous Crime, with which I was positively charg'd by Mr. *Wheatly*. Evince

THAT the Prosecution he carried on against me, has the Appearance of being as malicious as groundless, and shew the great Probability that he never was robb'd at all,

THAT I am guiltless I hope to make evident.

First, By Mr. *Wheatly's* omitting in his Evidence some Accounts he had before given of this Robbery; which affords ground to suspect his Evidence in Court was the Production of more than one Brain.

Secondly, By the Inconsistencies of this Evidence.

Thirdly, By the Contradictions to former Accounts.

Fourthly, By a Number of Improbabilities.

Lastly, By the Impossibility of my having been the Robber.

TRUTH is invariable, always in the same Story; whereas Fiction depending entirely upon the Memory, must necessarily vary in the Relation of a supposed Fact, attended with a number of Circumstances; besides, upon a second Review, some things may occur to the Invention, which may be approv'd, as giving a greater Plausibility

ty to what is design'd to be impos'd as Truth ; and tho' the Forger or Forgers, may themselves perceive that the inserting such a new Thought may not be altogether consistent with what had before been approv'd and given out; yet they may flatter themselves that it may escape notice ; or at worst, that they may be able to salve it, as in one instance in Mr. *Wheatly's* Evidence in Court (which seems to have suffer'd more than one Revise) where after he had asserted his Knowledge of me, being asked by Council, Whether he did not the very next Day (after the Robbery) to any Person give an Account that he did not know the Person? (who robb'd him.) He evades the Question, and answers, *I said I did not know his Name* which is no Answer to the Question.

IN a Word, though a great deal of Art, Pains and able Heads may be employ'd ; Time, Place, Persons thoroughly consider'd, and Circumstances compared and examined with all humane Precaution, yet such is the Providence of God, that it seldom comes out of the Forge without some Flaw which is discovered by a close Examination of Facts and Parties, it never has that Sameness inseperable from Truth.

THOUGH I am apt to think the Evidence Mr. *Wheatly* gave at the Tryal, which was consistent with that he gave the second Time before Justice *De Veil*, had been well consider'd, as many things were drop'd which had been reported ; yet 'tis evident it was too late to wrest from me the Advantage of Accounts previously and (no doubt thought) inconsiderately given. Had the whole he reported appeared before a Jury, they would not have thought my Prosecutor in his Senses ; consequently

consequently would not have given my Witnesses the Trouble of an Examination. Their own Eyes would have given in Evidence of my Innocence.

For this Reason it is that several particular Circumstances related to different People, as to Mr. *Radford*, Mr. *Bilt*, &c. together with the Character the Prosecutor gave me to those two, were judg'd proper to be left out of his Evidence before Justice *De Veil*, and the Court; where he was also willing to forget the Circumstance of the black Arm, by much the most artful Part of his Accusation, as I shall hereafter observe.

SEVERAL Circumstances he had spread about was judg'd proper to be drop'd by him at my Tryal, for the Description of my Person is every way unlike me, I have not a large or a Hook-nose, and want two inches and a half of the six foot in height; and the Character he had given me wou'd have made against his Design, as it wou'd have been an Indication of Malice. To his Acquaintance Mr. *Baker* the Sadler he said, the Day after the pretended Robbery, he had met the Man who had robb'd him in St. *George's* Fields, and had given two Shillings to two Watermen to dogg him. This Circumstance he drop'd at my Tryal, as (I shall shew) it was a very improbable Story.

HE knew one of my Accomplices, when giving Mr. *Radford* an Account of the Robbery. In his Evidence, both before Justice *De Veil* and the Court, he makes no mention of this Person, of whose Name he could not plead Ignorance, for he was his Tenant, and he had lately arrested him for Debt; but the following puzzling Questions might have been put to him. Why knowing

knowing this Accomplice did you not apprehend him? If you had a mind to favour him, why did you not take proper measures to get him admitted an Evidence against *Greenwood*? Was you, when, and by what means, convinced that you were guilty of a Mistake and had wrong'd your Tenant in your positive Assertion to *Radford*, that he was one of the Rogues? Or did the Man abscond? If so, why did you not advertise him in the publick Papers?

AT Col. *De Veil*'s, to several Persons, though not to the Col. and to the Court of Kings Bench, he said he had some thing *in petto* to put my Guilt out of Dispute: But he never called this *Bisk* at the Tryal, there is not one word of this *corps de reserve*, when it was most wanted.

I shall now shew how little Agreement there is in his Evidence at the Tryal, with what he had before reported, and said at the King's Bench: Nay, even what he said to Mr. *Baker* and *Thompson* is inconsistent, the one part with the other— To the former he knew the Robber very well; he was a Soldier— To the latter, he believed he knew him. At the Tryal he knew me by Countenance, Voice, and manner of Action; had known me nine Months or better, and at the King's Bench Bar knew me by Justice *Greenwood* going to the Tennis Court pointing me out, and telling him I was his Nephew; (about six or seven Months before.) How does this Commencement of his Knowledge of me agree with the time he said in Court, that he had known me, *viz.* nine Months or better? When Justice *Greenwood* pointed me out, 'tis evident I was a Stranger to him, for he gave this Circum-

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stance

stance not only of his knowing me but of the length of Time he had known me. And as the means by which he came to know me, at Justice *Fraziers* he did not know my Name, as he avows in Court, by the evasive Answers he gave my Council, which I before mentioned. When one considers this and the length of Time he avers his Knowledge of me, his having seen me fifty Times ; my having, as he alledg'd to Mr. *Bilt*, given false Judgment against him in a considerable Sum ; his knowing me a Villian and a biting tricking Fellow who had often cheated Lord *J—— S——* at Tennis ; his having obtain'd an Account some time before by a pretended Order from the said Lord, and his telling Lord *J—— C——* the whole Affair, and Mr. *Wheatly's* frequenting the Tennis Court ; one wou'd be apt to think his Ignorance of my Name, and these Circumstances very inconsistent. He was certainly very little curious, and is I believe the only Man who haunts the *Dedans*, and lays Betts at the Tennis Court, who does not know the Name of all who constantly play ; or who wou'd not have the Curiosity to ask that of a Man, whom he knew a Villian, that he might warn honest Men to be on their Guard against me ; which is a piece of Justice incumbent on all Men to do, who pretend to an equal Character of Probity with Mr. *Wheatly*. But how or from whom did he learn this vile Character ? It cou'd not be by Name ; for certainly the Flagrancy of it wou'd have impress'd my Name deeply in his Memory. It must then be by Description ; which might possibly answer to another Person ; consequently he cou'd not be positive as to me :

He

He must necessarily also, in telling the whole Affair to Lord *J— C—*, make him understand I was the Robber, by Description; and I think he has given Proof in that of a hook-nosed tall Fellow having committed the Robbery, and swearing it positively upon me, that his Talent is not in Description.

I shall now proceed to his Contradictions, and that I may do this in the clearest and concise Manner I am capable of I shall copy after the Manner of the Merchants keeping their Books; and as they have a *Debtor* on one Side, and *E contra Creditor*, I shall set down one Contradiction opposite to another.

To Mr. *Baker* he knew the Man who robb'd him, he was a Soldier.

To Justice *Frazier* that he had been told the Man's Name, but had forgot it; that he was not sure to know him unless he heard him speak; that he did not know him by Person but by Voice.

To Justice *De Veil* second Time positive I was the Man.

To Justice *De Veil* the first Time could not swear to my Face.

To the Court of King's Bench *Wheatly* knew me very well, and had a convincing Proof of my Guilt *in petto*. At the Trial knew me by Countenance, Voice, and manner of Action.

To Mr. *Baker*, Sadler, he believed the Robber was one of those Fellows at *Camberwell*, did not know his Name, but should know him again if he saw him.

At the Tryal robbed by Greenwood alone.

THAT the Robber was six Foot high, and upwards, and a Hook-nose. —

To *Bilt*, the Robber had a Hook-nose.

At the Trial, he and the Robber both fell into a Gutt or Drain in struggling.

He said to Mr. *Radford*, that he, *Wheatley*, struck the Robber first.

In the Hearing of Mr. *John Webb*, Vintner in the *Sirand*, the second time before Justice *De Veil*, *Wheatley* said, neither *Greenwood* nor a better Man could have robbed him, if the others had not come to his Assistance.

THREE times swore positively I was the Man. I appeal to all who know me if I answer this Description.

To Mr. *Frazier*, *Wheatley* was knocked down.

At the Trial the Robber struck first.

I shall now proceed to Improbabilities.

Mr. *Wheatley* by accidentally meeting some Acquaintance who came from *Northampton*, dined with them at the *Fleece Tavern* in *Cornbill*, afterwards went to the *Jerusalem Coffee-House*, then to Mr. *Adams's House*, and on hearing he was gone to *Vaux-Hall*, he by the way of the Bridge followed him thither. Now it is very unlikely I should know he would take the Road to *Camberwell* which leads from *Vaux-Hall*, to way-lay him, as he himself seems to have taken that

that way by the Accident of Mr. *Adams* being gone thither, which he did not know till informed at Mr. *Adams's* House: And I leave it to any Man to judge if I could possibly dogg him to the different Places, get my Accomplices ready, without they also dogged him with me, and meet Mr. *Wheatley* in the Third Field, for by his Evidence he met me, and I was coming towards *London*: If this should be thought any way likely, I ask how I should know the Road he'd take from *Vaux-Hall*? There are two; one by a Lane, the other over the Fields, where he pretends he was robbed, which I know from taking a View of the Ways since my Acquittal. The Circumstance of leaping over the Bar with a Pistol in one Hand and Stick in the other, is not very probable; but it is much less so, that I, with whom he had conversed not above six Hours before, whom I must be conscious knew me both by Face, Voice, and Person, as he frequented the *Tennis-Court*, depending only on the lower Part of my Face being discoloured with Yellow; that having two Accomplices in Company with me, should be so stupid as to call after him, and chuse rather to attack him myself, than employ one or both of my Companions to do it: It cannot be supposed I doubted their Courage for the Undertaking; if I had, I should, in all probability, hardly have chosen them for Assistants in so desperate an Affair, in which I staked my Life, and what I think much more valuable, my Reputation; and what Purchase could I hope, to run hazard of being one concerned in the Robbery, had it even been committed by one of my Comrades? Why his
 Council

Council insinuates 70l. of which, however, the other two we may suppose would have had their Dividend: Consequently had I known that he had this 70l. about him, I could expect but a few Shillings above 23l. for my Share; and is it likely that any Man who is not in needy Circumstances, as I thank God I am not, but especially who has an Income of near 300l. a Year visible, as Lord *De la Ware* and my Brother proved at the Trial, mine is, would for 23l. 6s. 8d. enter upon so desperate an Attempt? But what makes it much more unlikely, if I was not a downright Mad-man, is, that I did not know Mr. *Wheatly* had this Money, neither had I Reason to believe he had. And I cannot but think the Insinuation of his Council, such as that Gentleman would not have made had he not had a very barren Theme, as he must be sensible his Inference was not natural. Mr. *Wheatly* saying if he had an Order from Lord J—— S—— he would instantly pay me 70l. cannot fairly be construed a ground for me to suppose he had the Money about him, for in fact it was the same as saying, *when I have an Order, &c. I will then pay, &c.* And could I from this suppose he had the Money in his Pocket? Nay, had he said, *I will now pay you the Sum for Lord J—— S——*, must I necessarily conclude, from even these positive Words, that he had the Sum in his Pocket? Might he not pay me by a Draught on a Banker? But farther, supposing he had shewn me this Money in Specie, if I had dogged him, or had him dogged, (otherways I could not come to the Knowledge of the Road he took, and the Hour of his going home) might I not
more

more reasonably suppose he had left his Money at one of the four Places he went to, than that he would hazard such a Sum over the Fields at that time of the Evening? And it appears he did not, for he pretends to have lost only one Guinea and a Half in Money: And it appears too that he was searched by the Thief, who would readily have found it by the Bulk of the Sum, tho' in Gold, on the Disappointment he makes me ask him if he had left his Money at *London*: As mean an Opinion as he here shews of my Prudence, I believe few will think it probable I should by such a Question give him this Light to discover me; nor is it to be supposed that in his Condition he would so foolishly discover his Knowledge of me, by replying, You know I never wear a Watch.

WHEN Mr. *Wheatly* discovered the Pistol, he went back into the Wheat and put himself in a Posture of Defence; but this Courage is but of short Duration, it vanishes at the Demand made of his Money, and gives Place to Prudence; he tells what Money he has, and offers to deliver it: After a Stroke from the unsatisfied Robber recals his Courage, he lays on him, bravely bids him fire, and a smart Engagement ensues; he seizes on the Rogue's Pistol, and in struggling he and the Rogue fell together in a Gut or Drain, when he finds it in vain to resist, and therefore surrenders himself. His Courage again fails, at the time he found himself a Match for the Rogue, had secured his Pistol, and found neither of his Accomplices came to his Assistance, he had the Courage while the Rogue had the Advantage of a Fire-arm, and Mr. *Wheatly* had not

not experienced the Cowardice of his Accomplices, who he might reasonably think would assist him, to be regardless of the Odds on his Side to brave the Danger, and vigorously attack him.

THE Accomplices, by this Account, were either brave generous Fellows, who scorned to take Advantage of Numbers, or the most cowardly Rogues that ever ventured their Necks: Men of the former Character would not be guilty of a Robbing; and of the latter, very unfit for it: What a Groupe of Improbabilities are here? Two Rogues see their Companion vigorously resisted, see him fall in the Scuffle, consequently might apprehend him in Danger of being taken; know that their Necks are at Stake, for they must suppose he would impeach them, were it but in Revenge of their Cowardice, yet do not make the least Shew of coming to his Assistance. But to proceed in the Evidence. No sooner had Mr. *Wheatly* surrendered himself, as he terms it, but his Courage returns, and breaks out in vilifying Expostulations; the Robber, very philosophically unmoved by foul Language, calmly said, Your Watch? To which Mr. *Wheatly* makes Answer, You Villain, you know I wear none. Intimating the Knowledge of the Person of the Rogue, who, notwithstanding he could not be ignorant that the Consequence of being known would be the Gallows, has a greater Tenderness for Mr. *Wheatly's*, than for his own, Life, and lets him go off quietly: He swore positively I was this identical Person before Col. *De Veil*, the Court of *King's-Bench*, and at my Trial; and yet he goes the next Day

to seek for me at the Tennis Court, where if I was the Man, after the Indication of his knowing me, it was not probable I should be found; however, I was stupid enough to be there; he spoke to me and I turn'd Countenance at the Sight of him, which was a shrewd Sign that I was conscious he knew me to be the Man who Robb'd him, and Reason for him to expect, if he defer'd apprehending me, I wou'd not give him another Opportunity, but immediately make my Escape.

He pretends to account for this Delay. A certain Nobleman, he says desired he wou'd delay seizing me because his Lordship, on the following Day, was to play a Match at Tennis with me: A very extraordinary Reason and very probable to weigh with a Man who had been Beat and Robb'd, to allow me, who was conscious that he knew me for the Robber, to provide for my Safety, and have an Opportunity again to infest the Roads? His Complaisance for this Nobleman appears here to over-ballance his Resentment, and Regard for the Public, nay for his own future Safety; but when I acquaint the Public that my Lord J—— C—— has assured me that he never desir'd Mr. *Wheatly* to delay apprehending me on Account of playing a Match with me next Day, nor ever, as Mr. *Wheatly* swore, went with him to examine the Tennis Court Books for my Name, what, I say, must the Public think of my Prosecutor, who appears to have been hardy enough to swear to Facts which could only spring from his own Invention and Malice.

THE Story Mr. *Wheatly* told Mr. *Baker* carries

ries with it as great an Air of Improbability as any one thing I have hitherto taken Notice of.

Mr. *Wheatly* met the Robber (the Day after he had committed the Fact) in St. *George's* Fields, but instead of seizing him, he gives two Watermen a Shilling each to dogg him; this was throwing away two Shillings, as he knew where to find me every Day. Mr. *Wheatly* durst engage the Robber, when he had the odds of two Accomplices on his Side; yet when this Advantage is on his own, that is, he has two to assist him, he wants Resolution to attack the Rogue, this can hardly be accounted for, if not by his having a periodical Courage which ebbs and flows. Indeed the Story of his Engagement with the Thief gives ground to believe it intermitting: But what makes this dogging the Robber more improbable, nay, it gives it the Air of a meer Fiction, is that as they must have had a Sight of me (otherwise they cou'd not do their Errand) they never were brought to view me in *Newgate*, or to appear against me at my Tryal, though they wou'd have been very material Witnesses had I been the Person they saw: But I wou'd ask Mr. *Wheatly*, where did he meet with these two Watermen? In the Fields, or at the Stairs? Where are those Stairs? Where do these Men ply? What are the Names of these Fellows? Where are they now to be heard of? Where do they live? Did he shew the Robber to them or only describe him? Did he ever, after the time he employ'd them, enquire what they had done? Did they lodge the Rogue in any House, or did he elude the Diligence? What Account did he receive for his two Shillings? If Mr. *Wheatly* does

does not answer these Questions, 'tis not impossible but the Public may be apt to think his Friends deceived in the Character they gave him of a Man of Truth and Veracity.

I shall now give some Reasons to prove the Impossibility of my having been the Robber.

I shall here detain the Reader no longer than to recal to his Memory, how exactly my Time was accounted for, from the Hour that Mr. *Wheatly* saw me as he pretends at the Tennis Court to past ten at Night, the difference of the supposed Robbers and my Dress, and the distance from the Tavern I was in before, at and after the Time the Robbery is pretended to have been, to the Place where Mr. *Wheatly's* Evidence says it was committed.

Mr. *Wheatly* says that he was at the Tennis Court about three o'Clock, that he left *VauxHall* at almost nine, and was Robb'd at half an Hour past nine.

Mr. *Baker* says that his Landlord, Mr. *Wheatly*, came home between nine and ten, and so he did if it was but a Minute past nine; and by Mr. *Thompson's* Evidence it could not be many Minutes past nine. I take Notice of this as it is, and I hope, in the Sequel, the Reader will think, Essential.

Now a little after three I dined with Mr. *George Baker*, staid with him till a little past six, parted with him about seven in *Bridges Street Covent Garden*, and told him I was to call on a Gentleman in the *Strand*. I had then from three to seven no Time to change my Dress; my Uncle's Maid saw me in the same Dress which Mr. *Baker* swears I had on when I parted from

him, viz. White Fustian, about a Quarter past seven. Between seven and eight the same Evening Mr. *Chalmer* swears I call'd at his House, and I was still in White Fustian; that I staid with him about twenty Minutes, and went away about eight. I was with my Uncle a little before eight, in which Time my Uncle's, Mr. *Dodemead's*, Mr. *Turner's*, Mr. *Syrab Croce's* Evidence agree, and Mr. *Dodemead* is very particular in the Circumstance of my Dress; 'tis true this is nothing with Relation to the Time in which the Robbery was committed, but it proves that I did not, nor possibly cou'd have an Opportunity to dogg, and without dogging it is impossible for me to have known where to have met with the Prosecutor; nor could I have chang'd the Cloaths himself acknowledg'd I was in at the Tennis Court.

THAT from eight I continued in the *Genoa Arms* Tavern talking in the Yard and at the Street door with my Uncle till past ten o'Clock appears by his Evidence; and by that of Mr. *Dodemead*, Mr. *Turner*, Mr. *Syrab Croce*, that from the above Time of my going into that Tavern I did not go out of it till fourteen Minutes past nine, and then I was seen by them half an Hour longer talking with my Uncle, Mr. *North* with whom I Lodge, and *Hester Wharton* my Servant, swear I was at home in *Conduit Street*, about a Mile from *Covent Garden*, before eleven. The Place where the Robbery is pretended to have been committed is from the *Genoa Arms* two Miles three quarters and a half, besides the Time necessary to cross the Water which must be allow'd the nearest way that can be taken to go thither. I

I shall only add, that it is evident that I could not possibly commit the Crime I was accused of if my Witnesses did not give in false Evidence, if they were not perjured ; and I believe all who know them will allow that their Characters will stand the Test of the severest Examination.

THIS Mr. *Wheatly* must be sensible of, for he had Time enough to enquire after them, and did not offer to impeach their Credit, which we may reasonably suppose he would have done, had he had the least Grounds to question their Veracity.

I shall beg Leave of the Reader to put a Case. Suppose I had, by the Company that appeared as my Witnesses, been charged with the Commission of a felonious Act, and that I had no better Evidence to prove my Innocence but *Wheatly*, who should swear that I was at *Camberwell* at the instant in which the Fact they swore to was by them laid to be committed, let me ask the Reader if in that Case *Wheatly's* single Evidence would have been sufficient to have acquitted me, against the concurrent positive Oaths of six Gentlemen, even supposing *Wheatly* to be of equal Character with those Gentlemen ? I believe the Reader will answer that it would not ; and if not, where could be the Justice of condemning me upon an Evidence by which I could not have been acquitted ? Or where is the Partiality of acquitting me upon an Evidence which, had it been against me, must have at first sight determined any Jury in the World to have found me guilty.

To prove that the Prosecution had the Appearance of being as malicious as groundless, I shall

shall recite the manner of Mr. *Wheatly's* Proceedure, and the false Circumstances alledged by him. I shall not trouble my Reader with what has been already observed, but begin at the Time he saw me at the Tennis-Court, about 12 o'Clock, the Day after the pretended Robbery. He had then Col. *De Veil's* Warrant in his Pocket, and might have taken me ; but I suppose, on Consultation, it was thought proper to apprehend me in a more ignominious manner, and therefore, not because Lord *J — C —* had requested it, (as has been before taken Notice of) I was indulged with the Enjoyment of my Reputation and Liberty to the next Day. My Reason for such a Supposition is, a certain Nobleman's Steward having advised the apprehending me with a File of Musqueteers, and Mr. *Wheatly* being, at the Time I mentioned, arm'd to take me with a Case of Pistols, lent him by Mr. *Baker* the Sadler, for that Purpose.

THE Day agreed upon, I was taken by a Martial-Court Officer, attended by two Serjeants of the Guard, at the *Tennis-Court* ; as the Place, no doubt, most likely to expose and ruin my Character, with such Men of Quality and Gentlemen as I had frequently the Honour to play with. Attended by the above Equipage, I was hurried through the Streets, with the infamous Character of a Highwayman, to Justice *De Veil's* House, and by him committed to the *Gatehouse* : But these Circumstances, though they have their Weight, will appear but trifling when the Reader reflects with what Obstinacy he refused the having my Witnesses examined ; and though he gave for a Reason to colour it, that he had something

thing *in petto*, yet I may be allow'd to think the real Cause of this stubborn Refusal was, that the Justice on hearing them would be convinced of the Impossibility of my having been guilty, consequently admit me to Bail, and defeat his Malice : This will more strongly appear to have been the true Motive for insisting, as he did, on my being secured, when I tell the Reader, that at the *King's-Bench*, to the end that I might be continued in *Newgate*, he advanced two notorious Falsities : He was, as the Reader may remember, asked how long, and by what means, he had known me ? To which he answer'd, *About six or seven Months ; (in his Evidence at the Tryal nine Months or better)* and it was by going with Justice *Greenwood* to the *Tennis Court*, who pointed me out to him, and said I was his Nephew, that he had Knowledge of me. Now Justice *Greenwood* had at that time been dead long before. Here is one manifest Fiction. The other is, Justice *Greenwood's* calling me his Nephew : Had he been my Uncle 'tis probable I, or some of my Relations, must have known it ; but neither I nor any of my Relations ever heard there was any Relation between us, tho' we bore the same Name. Is it then to be supposed that Justice *Greenwood* should claim me for his Nephew, at the same time that he knew we were no way related ?

BUT this is not the only Proof of Mr. *Wheatley's* Regard to Truth, where Invention appear'd conducive to his Design. One Circumstance, which he gave in his Evidence, for his knowing me, was my saying Why did you *strick* then ? At Tennis, said he, they say *strick* the Ball for Short-

Shortness. That this is notoriously false, all who play at Tennis, all who frequent the Court, will I am satisfied do me Justice to bear Witness. Whether I make Use of that Term, either at Play or in Conversation, those with whom I have had the Honour to play or converse are the best Judges, and I am sure, not one of them will say they ever heard me use it. I mention the Circumstance of my Arm being black, which Justice *De Veil* was pleased to take Notice of in Court, and prove false, the last, as it is the most artful and the greatest Indication of Malice. That it was artfully designed is apparent to Tennis-Players at the first Glance, for very few, if any, who play constantly, escape Bruises on their Arms; and this even the Lookers-on, or those who frequent the Court, though no Players, will agree very probable, by our often running against the Sides to take a Ball which has not been exactly judged; and I attribute my Arm not being marked at that Time to a particular Providence of the Protector of the Innocent and Injur'd. It might have had the Marks of more than one Bruise; and these no doubt Mr. *Wheatly*, from his Observation at the *Tennis-Court* did (and reasonably believes would appear to my Conviction, and therefore gave it as a Circumstance. It happen'd contrary to his Expectation to be entirely clear, and this Circumstance, brought as a Proof of my Guilt, became one of my Innocence, and a most flagrant one of his Malice; for it seemed, by his own Words, that it was the Point which was to determine for or against me (and a dangerous one it was, as I have shewn) *If he is the Man that robb'd me I am sure he must be very black*

black up the Arms, by the Blows that I gave him.
 He is positive the Man who robbed him must be bruised: His Eyes convince him I was not bruised. If he had no Malice, and purely a Design of having Justice done on an Offender, would he not, after so positive an Assertion, have been satisfied by Demonstration he was mistaken? No. After this he insisted on my being confin'd. I believe he, in his Conscience, knew I was not guilty, but it possibly was his Business to make me appear so, and therefore the Evidence of his own Senses, as it made on my Side, availed nothing.

THIS his being deaf to whatever argued in my Favour answered his Views; sent me with the Imputation of Guilt to *Newgate*, and when at the *King's-Bench*, his declaring he had something *in petto* to put that Guilt out of Dispute, had all the Effect he could hope or expect till I was brought to a Trial; for it fixed me in *Newgate* till the *Surry* Assizes began: It kept all, who were not satisfied of my Innocence, by the Impossibility of my being guilty, in Suspence; staggered those who were inclined to think favourably of me, and confirmed such in their Opinion, whom the Artifices of my Enemies had influenced to my Prejudice. I may, I believe, be allowed to rank this petty Proof among the Falsities I have already enumerated, as it was not made Use of at my Trial; tho' I have lately heard he has since divulged it to a certain Gentleman; but it carries with it so much the Air of a new forged Story, that when I relate it, as I shall do in the Sequel, I am satisfied it will meet with no Credit, till Mr. *Wheatly* has given such

Proofs to support the Fact, as I shall call upon him to produce. To proceed to my Trial. The Story he tells of his offering to pay me 70l. for Lord J—— S——, speaks a premeditated Design; it seems to be contrived, as it proved the Basis on which to ground the Prosecution: It was a voluntary Offer of his own, which nothing I had previously said could induce him to make; he does not pretend I asked him to pay him this Money; he does not say I mentioned this Debt to him; and indeed what Ground could I have either to mention it or to expect he should pay it? I shall shew it was not due; I never conversed with Mr. *Wheatly*; there was, at most, between us but a personal Knowledge; no Familiarity, no Intimacy, to prevail on me to talk to him of Affairs which no ways regarded him; and I never knew, never heard that he ever paid, or had any Order to pay Money for or from that Nobleman. If he answers, my desiring to tell Lord J—— S—— if he did not play the Match out, he must pay, occasioned his offering me the Money, if he had an Order, I reply, that what I said could give no Ground for such an Offer, no more than the Offer itself; give me Reason to suppose he had the Money about him. If the Money had been due, if I had said any thing which implied my doubting his Lordship's Honour, his Friendship, or Acquaintance with that Nobleman, might have occasioned the Offer; but I said nothing from which he could infer the least Suspicion of my not being paid, had it been due, as I had not the least Reason. But my Lord did not owe me the Money, it was a Match to be

be played, I did not know whether his Lordship would play it or not, and if he did, I might as well lose it as win it; and in such Case I must have paid my Lord, instead of my Lord paying me, which proves that Mr. *Wheatly's* Offer was unnecessary, and it looked like a sort of a Rhodomontade, but I think it appears otherways, and to have been with a deep Design, by the Use made of it. I must farther observe, that as no Money was due to me on account of the Match to be played, so was there none due to me for a Horse, as Mr. *Wheatly* falsely said in his Evidence. He does not say I told him that twenty Guineas was due to me from my Lord for a Horse, or that I then mentioned any Sum at all due to me from his Lordship.

THE Council put this Question to him. "Supposing the Game should turn against my Lord J ——, how much was the Sum? The Council asks a Question on the Game, and he begins with an Answer quite foreign.

"It was twenty Guineas for a Horse;" and after he says, "and fifty Guineas for the Betts, &c."

My Lord formerly bought a Horse of me, for which he paid me, at least many Months before the Affair in Question. It can hardly be supposed I could be so void of Sense as to endeavour to impose on his Lordship, and absolutely ruin my Character with all Gentlemen to whom I have the Honour to be known, and who frequent the *Tennis-Court*, by making a fresh Demand of a Debt long since satisfied. Wherefore, I cannot conceive, why this Horse was lugged in, if not to enhance the Sum, and make the

Temptation for my committing the pretended Robbery the stronger.

THE Character Mr. *Wheatly* gave me to Mr. *Bilt* and *Radford*, will, I believe be looked upon, by the Unprejudiced, as an Indication of Malice, especially when the Inveteracy of his whole Procedure is also considered, which is sufficient to have made those two Persons doubt his doing me Justice in the Point of Reputation.

It may be objected, that if I never injured Mr. *Wheatly*, what should provoke him by a groundless and malicious Accusation to an Attempt upon my Life? That it is impossible a Gentleman, of whom so fair a Character was given in Court, could enter on so villainous, so cool, and deliberate a Design as murdering, under the Sanction of the Law, an innocent Person, and making his Memory infamous?

I answer, I never gave Mr. *Wheatly* Provocation for the Inveteracy he has shewn throughout the whole Prosecution, if he does not think my saying one Day, when by his Noise and Impertinence I was disturbed in my Play, that I would have him turned out of the Court, a sufficient Provocation. As to Mr. *Wheatly's* Character, what he has formerly deserved to bear ought not to counterbalance notorious Fact. I shall borrow the very Words his own Council made Use of against me; "It is not the Appearance of a
" Man, or what general Character he may bear,
" that is sufficient to acquit him; there is a
" Time when a bad Man must commence."

BUT have not many Murders been committed without Provocation given to the Murderers? And have the Innocent, being ignorant of the Cause
of

of the Attack, escaped for that Reason? There are many Motives which prevail on abandon'd People to perpetrate the most horrid Villanies, and which Motives may be unknown to any but themselves.

THOUGH I am ignorant of the Ground, yet I am sensible of the Effects of his Malice; it is the manner of conducting it determines whether it is carried on with a view only of Justice, or from other Motives. Many Prosecutors have wish'd the Prisoner, whom they were oblig'd to prosecute, might prove his Innocence: But Mr. *Wheatly* seem'd afraid to be convinced that he was mistaken, by denying to hear my Justification.

The great Probability that Mr. Wheatley was never robb'd at all.

THE Incitive, to my committing the pretended Robbery charged upon me (as insinuated) was my Supposition of Mr. *Wheatly's* having this seventy Pounds about him; and the Reason for my supposing he had that Mony, was an Offer he made on the 5th of *June* at the Tennis Court to pay me such a Sum. I have hitherto let this Assertion of the Offer to pay me stand *pro confesso*; I have said nothing in contradiction to it; but 'tis here proper to acquaint my Reader that I don't believe, I am sure I don't remember, (I have taken some pains to recollect my self, and have also enquired of the Markers) that Mr. *Wheatly* was that Day at the Tennis Court; if he was, I attest the great God, that it is quite out of my Memory, and I think I could not possibly forget the Circumstances he has given in Evidence, had they been true. Indeed about a Fortnight before that Time, he came into the Dressing-room

room where I was looking over the Books, to pay what I owed to the Court for Sets that I had play'd. Mr. *Wheatly* came, and said, he perceived I kept regular Accounts ; and soon after, that there was an Account between Lord *J—* S— and me, which my Lord desired I wou'd send by him, and he wou'd bring me the Money from his Lordship. I asked, if he came by my Lord's Order? He told me he did? On which I drew out the Account on a Piece of Paper from my Pocket-book, and gave it him: By which his Lordship was seventy Guineas and half in my Debt.

THIS, it is highly probable from the Falsities I have already expos'd, in the foregoing Pages, was the Ground on which he rais'd the Story of making an Offer of seventy Guineas for Lord *J—* S— on the 5th of *June*, he brings no Witness to his making me such an Offer ; 'tis true, he says Mr. *Warren* was by, heard, and reply'd to part of his Discourse ; but he did not think proper to Subpena him.

WHEN he asked, and I gave him this Account, there were present the Master of the Tennis Court, *Robert Wood*, one of the Markers, and the Barber that attends the House. The Paper I then gave him might possibly be the Evidence he had *in petto* to put my Guilt out of Question ; it is not unnatural for me to imagine him capable to say it drop'd out of my Pocket in the Scuffle ; that he pick'd it up ; and to produce it as an irrefragable Proof, that I was the Robber ; if this was not his *Petto*-proof and he cannot support that which he imparted to Mr. *B—* I call upon him to declare his *Petto*-proof, if he

he had not rather suffer in the Opinion of all honest Men, than part with this Secret.

HIS not making the Use as I suspect he once design'd of the above Account, is to me no Argument he did not intend it ; for he might have got Intelligence (as I believe he had) that I was able and prepared to defeat it to his Confusion.

BUT what Opinion will the Public entertain of the Morals of my Prosecutor, when I acquaint them that Lord J— S— declares he never sent or knew of *Wheatly's* applying for this Account, notwithstanding he said he came by his Lordship's Order ; as this is the Case, I would ask Mr. *Wheatly* what could induce him to make use of such means to obtain an Account no way related to him, unless he intended to make some unjustifiable Use of it ; the manner of his applying for it is a Proof of his evil Design, and as he officiously obtain'd it at the Expence of his own Veracity, so I may reasonably conclude it was to be made Use of at the Expence of my Life.

Now 'tis not impossible but Mr. *Wheatly* going home might Quarrel with some Person in the Road ; that some Strokes might pass between them, and Mr. *Wheatly* finding he had catch'd a Tartar, might throw down his Cane, and think it more prudent to trust to his Heels than his Hands, which is not an improbable Suggestion ; for he might as well have staid and taken his Hat and Cane with him that Night, if he had not quitted the Field of Battle somewhat precipitately, as have gone to look them the next Morning.

MR. *Wheatly*, the Morning after the pretended

tended Robbery, calls on a Neighbour, and bids him take his Gun and go with him to look his Hat and Cane, which it seems they found ; now I would ask Mr. *Wheatly* if, by taking the Gun, he expected to find the Rogues in the same Place the next Morning ? Or, if he had been robbed, how he could expect to find the Things he went in search of, for if they had been so covetous as to take from him such Trifles as Keys, could it be imagined they would be prodigal enough to leave a Booty so much more substantial, especially since the Cane, as I am informed, had the alluring Bait of a golden Head to tempt them ? This Fact is, I admit, some Evidence of a Quarrel, but the most extraordinary Proof of a Robbery that I ever yet heard of.

THAT Part of the Story which informs us that he told the Robber, that he (the Robber) knew Mr. *Wheatly* carried or wore a Watch, smells very strong of Fiction, and makes against the pretended Robbery ; for tho' he had been mistaken, a Rogue would have made sure Work, and have used his Pistol. Dead Men tell no Tales. Men, who enter upon such desperate Villainies, have as little Humanity as Conscience, and will hardly let the Person escape who gives them the least Hint that he knows them ; and indeed a Man, who by his Actions sets God and the Laws at Defiance, would be guilty of an egregious Folly in sparing his Life, who he is certain will hang him.

AGAIN, Dispatch the Merchants say is the Life of Business ; and here, 'tis visible, Dispatch is the Life of the Robber ; they know it, and
are

are therefore in a Hurry ; if they meet Resistance, they take all Advantages, a Thief with a Pistol in his Hand would not allow Mr. *Wheatley* Time to display his Courage, or shew how well he could play at Cudgells : Neither would two Accomplices suffer him to do it, much less look on with Unconcern. If one could not have prevail'd on Mr. *Wheatley* to deliver his Money, they would all three have joined in the Request. People may come by, and not only hinder them of the Prize, but what they dread much more, pursue after and take them ; besides, the greater the Booty they hoped, the greater would be their Impatience to get it into their Possession. Their Fear of being disappointed would rise in proportion to the Value of the Prize they expected. But, if these Accomplices were unconcerned in the Event of the Battle, what did they come out for ? Only to see their Companion hard put to it, and in danger of being taken ? They were of no Use to their Companion. From which Premises it may (and I think not unnaturally) be concluded Mr. *Wheatley* was never robb'd at all.

Tho' I have heard it advanced, in behalf of the Prosecutor, that this Attack could not proceed from any Malice, since I had never offended him ; but I must beg Leave to observe, that I do not infer the Prosecution from the Malice, but the Malice from the Prosecution. If a Man does me a wilful Injury, shall I conclude that he did not intend it, because I cannot tell what Reason I ever gave him for it ? No : I shall rather conclude the Injury a consequential Proof of the Malice. I will leave it then to the

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Public

Public to judge, if charging a Man without any Foundation with such an atrocious Fact, if obstinately persevering in the Prosecution against Conviction, and carrying it on with such Rancour and Bitterness through every Step of it; if endeavouring (during my Confinement) by false Suggestions to blast my *general Character*, and prepossess every one he could in my Disfavour: I say, I will leave it to the Public to judge, if these are the Characteristics of an *ingenuous Prosecutor*, whose sole Motive was a Desire of Justice; or a *malicious Prosecutor*, to satisfy some unjustifiable End?

I can't help again taking Notice of that Part of my Prosecutor's Conduct which relates to his peculiar Diligence in endeavouring to make me pass with the Public for a Man of *general bad Character*: I will not pretend to say here how well my Morals will bear the Test of Examination; but am ready to submit them to the Bar of the Public, provided my Prosecutor will be hardy enough to run the same Hazard: I should then in my Turn have an Opportunity of becoming his Accuser, and acquaint the Public with a few historical Facts, which would put it in every one's Power to determine whether my Prosecutor was more capable of *swearing*, or I of *committing*, a Robbery.

THE only Amends I am capable to make my Readers for this tedious Address, is to finish it as soon as possible; therefore I shall trust to their Verdict, and let them pronounce who is most guilty. I, who from a Series of well-connected Facts, and by the Testimony of Gentlemen of Fortune and Reputation, have proved
that

that I was in their Company *before, at, and after* the Time of the Robbery charged upon me by the Prosecutor ; or he who is unsupported by every Presumption, and contradicted by every Circumstance, yet obstinately maintains a Charge, in the Relation of which he has constantly varied, and of the Truth of which it is from the Nature of things impossible he should be certain.

AFTER this I hope that as my Country has already restored me to *Liberty*, so it will do me another, and a more acceptable, Piece of Justice, that of vindicating my *Reputation*.



AP.



A P P E N D I X.

TH E Persons who made the two following Affidavits had Subpenas and attended the Trial ; and altho' their Names were in the Briefs, yet by some Neglect were not call'd.

Mr. RADFORD's AFFIDAVIT.

ENOCH RADFORD of Camberwell in the County of Surry maketh Oath, that on the 6th of June 1740, about 5 o'clock in the morning, Mr. Wheatly came to my house and called me up, when I came down stairs he said good morrow ; he desired me to charge my gun and go with him, I told him I had neither powder nor shot, then said he I have got some ; so we went to his house, and I loaded my piece. I thought he had been going a shooting, I saw he was bloody, and asked him if he had been fighting, and he reply'd he had been robb'd last night, I asked him if he knew the Man, and he said he did, and said he was with him the same day at the Tennis Court, and said he was a Man six foot high and upwards with a large crook nose in a brown coat with an oak stick in one hand, a pistol in the other, with his Face yellowed ; I asked him if he knew his Name, and he could not tell ; we went to the Field where he was robbed, when we came there he shew'd me where his hat and cane lay

lay together within one foot of each other ; I takes it up, I saw some blood near the place in several places, and he told me that the Man that robbed him snapp'd his pistol at him and missed fire, he hit him with the pistol just above the Eye which was the cause of the blood. He told me that this Man that robbed him was in the Wheat Field where I found his bat and cane, and in the other side of the Field stood another Man in a brown Coat, and in the Lane leading from Camberwell to Kennington-Common sat another Man in a brown coat under an oak, and he bid Mr. Wheatly good night ; the next he saw was the Man that robbed him, and he said Sir I want to speak with you, Mr. Wheatly replied what do you want to rob me, I never was robb'd in my Life nor never will ; with that he had a pistol in his hand and Mr. Wheatly said damn you if you are a Man fire, he snapped his Pistol, Mr. Wheatly seeing that struck him with his cane and so had several blows, the first was by the pistol on his Temple, but he wrested the pistol from him and throwed it into the Wheat, I looked very narrowly for it but could not find it : They had several blows each with the stick and cane especially on the arms, he told me that he was sure his arm must be black by the blows that he gave him, and after a long struggle he got from him and made the best of his way to his home, passed the Man at the other side and bid him good night ; neither of the other two came to either of their Assistance, and told me that one of the Men was a Tenant of his that lived in Talbot Court, and that he had arrested him a few Days before. He was inform'd that one Mr. Bilt, a Gentleman that has Lodged in Camberwell some Years, came by a quarter of an Hour

Hour before, and was in a Bodily Fear But they not molested him. Mr. Wheatly asked me to go to Mr. Bilt, and I did; Mr. Wheatly asked him if he should know the Tall Man again if he saw him; he said yes if he was at Holland. He desired Mr. Bilt to go to Newgate and see him, which he did, and he declared upon Oath that he was not the Man he saw in the Wheat Field. That Wheatly some time after this declared to Mr. Radford that Greenwood was a Villain, and had cheated Lord John at Tennis; and that he shou'd not play any more with Lord John, for he was a biting tricking Fellow, or Words to the like Effect.

ENOCH RADFORD.

Sworn at Merchant-
Taylor's Hall 9th Septem-
ber, 1740. Before me,
JOHN SALTER Mayor.

N. B. The Reason for the above Affidavit not being drawn up in a more regular Form proceeds from Mr. Radford's insisting on Penning it himself, in order to prevent his Meaning being mistaken.

Mr. BILT'S AFFIDAVIT.

ISAAC BILT of Leaden-hall Market London, Bacon-butcher, maketh Oath and saith, that on Thursday the 5th day of June last past, about a quarter of an hour after nine at night, he came to Camberwell from Vaux-hall, and that in the Lane leading to the three Fields, next to the Town of Camberwell, in one of which Mr. Roger Wheatly was lately said to be robbed, he met two
Men

Men about 100 yards distant from each other, and a third he saw on the other side of the hedge, and that the said three persons appeared to him to be loose, idle, and disorderly persons, strolling about as foot-pads, and was fearful of being robbed by them; and this deponent further saith, that he took particular notice of the faces, cloaths, and statures of the said two persons in the Lane, and believes shou'd know them both again; and this deponent further saith, that he well knows and is well acquainted with Mr. Bartholomew Greenwood the person who was charged with robbing Roger Wheatly on the King's highway on the same day, and about the same time, that he is neither of the persons he so met in the Lane aforesaid, and that one of the said two Men wore a brown coat, and had a hook-nose; and this deponent further saith, that Mr. Wheatly at his first conversation with this deponent about his being robbed, signified to him, that the Man that robbed him had not only a brown coat on, but had a hook-nose also, which this deponent saith, Mr. Greenwood hath not; and this deponent farther saith that on or about the 10th day of the same month of June, in another conversation between this deponent and Mr. Wheatly, Mr. Wheatly declared to this deponent that Greenwood was a rogue, for that he had once given a false judgment at a game of Tennis, whereby he the said Wheatly lost a great deal of money.

ISSAC BILT.

Sworn at Justice Hall
in the Old Baily on Wednesday the 3d Day of
September, 1740. before
me, JOHN SALTER, Mayor.

F I N I S.

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